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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,869	04/02/2004	Yasuo Sugahara	826.1941	9986

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EXAMINER	
LIOU, ERIC	

ART UNIT	PAPER NUMBER
3628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/815,869	SUGAHARA ET AL.	
	Examiner	Art Unit	
	Eric Liou	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-8,10-15 and 17-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-8,10-15 and 17-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Applicant has canceled claims 1, 9, and 16 and amended claims 2-8, 10-15, 17-18, and 20-22. Thus, claims 2-8, 10-15, and 17-22 remain pending and are presented for examination.

Response to Arguments

1. Applicant's arguments filed 10/4/07 have been fully considered but they are not persuasive.

2. Applicant brings to attention paragraph 23 of the Office action filed 7/5/07 and submits that the Examiner seems to make a contradiction in paragraph 24. The Examiner provides the following clarification to the Office action. Claims 7, 15, and 22 recite the limitations, "a location management unit managing a location and a type of the received equipment; and a plant determination unit determining a plant which processes the equipment based on the location and the type of the equipment." Matsubara teaches an intermediation server function 102 (location management unit) that manages and displays to a consumer the plurality of servers that correspond to the different business concern locations available to dispose the consumer's appliance type (Matsubara: Figure 1, "120", "130", "140", "150", "160" and "170", see secondhand shop, component trader server, manufacturer server, retail shop, repair shop, and waste disposal factory; paragraphs 0016, 0022, and 0029-0031). Matsubara further teaches the consumer selects the appropriate business concern location to dispose the appliance and the corresponding business concern location server is connected to server 100 (Matsubara: paragraph 0031). One skilled in the art would recognize that in selecting the appropriate business concern,

the consumer will often take into account the location of the business concern and appliance type as factors in determining the best possible selection. The applied reference has been interpreted and applied assuming basic knowledge of one of ordinary skill in the art. According to *in re Jacoby,* 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. In *In re Bode,* 193 USPQ 12 (CCPA 1977), every reference relies to some extent on knowledge of persons skilled in the art to complement that, which is disclosed therein. Matsubara does not explicitly teach a determination unit because the consumer performs the function of the determination unit when selecting a business concern location. However, Matsubara teaches a plurality of servers that include processors that are readily capable of performing the determining function carried out by the consumer (Matasubara: paragraphs 0016 and 0021-0022). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified a server of Matsubara to have included the function of determining a business concern location to dispose the appliance based on the location and the type of appliance because a computer would allow the recycling process to perform more efficiently.

3. In response to Applicant's argument that the Examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

4. Applicant argues that Matsubara does not teach or suggest the limitations of claim 2. The Examiner respectfully disagrees. Claim 2 recites, "a charge determination unit determining whether or not the user is to bear a charge for recycle." Matsubara discusses determining a price for recycling the appliance (Matsubara: paragraphs 0006-0007, 0010, 0025, and 0030-0037). The Examiner notes, the consumer's decision to use the intermediation server to dispose an appliance results in the automatic determination that the user is to bear a charge for recycling the appliance.

Claim Objections

5. The Examiner acknowledges the amended claims and withdraws the previous objections.

Claim Rejections - 35 USC § 101

6. The Examiner acknowledges the amended claims and withdraws the previous rejection.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 2-8, 10-15, 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsubara, U.S. Publication No. 2002/0138365 in view of Suzuki et al., U.S. Patent No. 5,965,858.

9. **As per claims 7, 15, and 22,** Matsubara teaches an apparatus, computer program, and method for supporting recycled use of equipment of a user, comprising:

an information obtaining unit obtaining equipment information about the equipment to be received from the user (Matsubara: Figure 1, "100", "120", "130", "140", "150", "160" and "170"; paragraphs 0016, 0021-0022, and 0031);

a determination unit that handles information obtained by said information obtaining unit (Matsubara: Figure 1, "100", "120", "130", "140", "150", "160" and "170");

a location management unit managing a location and a type of the received equipment (Matsubara: Figure 1, "120", "130", "140", "150", "160" and "170"; paragraphs 0016, 0022, and 0029-0031); and

a consumer for determining a plant which processes the equipment based on the location and the type of the equipment (Matsubara: paragraphs 0016 and 0031 – The consumer performs the determining step by selecting the appliance disposal business concern.).

10. Matsubara does not teach a plant determination unit. However, Matasubara teaches units that are capable of determining a plant which processes the equipment based on the location and the type of the equipment (Matasubara: paragraphs 0016 and 0021-0022). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus, program, and method of Matsubara to have included a plant determination unit to perform the determination step of the consumer as disclosed by Matsubara because a computer that determines a plant for a consumer would make the recycling process quicker and more efficient.

11. Matsubara does not teach determining whether or not treatable articles restriction standards of a receiver of the equipment are exceeded.

12. Suzuki discloses determining whether or not treatable articles restriction standards of a receiver of the equipment are exceeded (Suzuki: column 31, lines 60-67 – column 32, line 1, The Examiner notes, the recitation "a recycling factory which limits the category or type of the acceptable articles" suggests that the recycling factory will make a determination of whether all recycled articles received exceed the category or type restrictions set forth by the factory.).

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus, program, and method of Matsubara to have included determining whether or not treatable articles restriction standards of a receiver of the equipment are exceeded as disclosed by Suzuki for the advantage of eliminating recycled articles that a factory does not desire.

14. **As per claims 2, 10, and 17,** Matsubara further discloses an apparatus, program, and method wherein a charge determination unit determining whether or not the user is to bear a charge for recycle (Matsubara: paragraphs 0006-0007, 0010, 0025, and 0031-0037).

15. **As per claims 3, 11, and 18**, Matsubara discloses an apparatus, program, and method further comprising a payment method determination unit determining a method of paying the charge when said charge determination unit determines that the user is to pay the charge (Matsubara: paragraph 0065 – The Examiner interprets the payment made via the intermediator to be a payment method determination unit determining a method of paying a charge.).

16. **As per claims 4, 12, and 19**, Matsubara further discloses an apparatus, program, and method further comprising a calculation unit calculating the charge according to information

obtained by said information obtaining unit (Matsubara: paragraphs 0010, 0031-0032, and 0035-0037).

17. **As per claims 5, 13, and 20**, Matsubara further discloses an apparatus, program, and method further comprising wherein when said charge determination unit determines that the user is to pay the charge, the apparatus first confirms a payment of the charge by the user, and then performs a receiving process (Matsubara: paragraphs 0052 and 0054).

18. **As per claims 6, 14, and 21**, Matsubara further discloses an apparatus, program, and method wherein said information obtaining unit obtains information from the user over a network (Matsubara: Figure 1, "50"; paragraph 0016).

19. **As per claim 8**, Matasubara does not disclose an apparatus further comprising a progress information generation unit generating information about the progress of recycling equipment.

20. Suzuki discloses a progress information generation unit generating information about the progress of recycling equipment (Suzuki: column 37, lines 57-63).

21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Matsubara in view of Suzuki to have included a progress information generation unit generating information about the progress of recycling equipment as disclosed by Suzuki for the advantage of maintaining an accurate record of a recycled article.

Conclusion

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Liou whose telephone number is 571-270-1359. The examiner can normally be reached on Monday - Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER